

PROPOSED AMENDMENT

SENATE AMENDMENTS TO S.B. 1239

(Reference to printed bill)

1 Page 1, between lines 25 and 26 insert:

2 “Sec. 2. Section 6-1259, Arizona Revised Statutes, is amended to read:

3 6-1259. Prohibited acts

4 A. A person shall not engage in the business of providing deferred
5 presentment services without first obtaining a license pursuant to this
6 chapter. A separate license is required for each location from which the
7 business is conducted. The licensee shall post its license to engage in the
8 business of deferred presentment services at each location that is licensed
9 pursuant to this chapter.

10 B. A licensee shall not:

11 1. Advance monies on the security of a check without first obtaining
12 reasonable evidence that indicates that the account on which the presented
13 check is drawn is an open and active account.

14 2. Assess any fee that is more than the amount prescribed in this
15 chapter.

16 3. At the licensed location engage in the business of:

17 (a) Making loans of money or extensions of credit other than those
18 allowed under this chapter or title 44, chapter 11, article 3.

19 (b) Discounting notes, bills of exchange, items or other evidences of
20 debt.

21 (c) Accepting deposits or bailments of money or items, except as
22 expressly provided in section 6-1260.

23 4. Use or cause to be published or disseminated any advertisement that
24 contains false, misleading or deceptive statements or representations.

25 5. Engage in the business of deferred presentment services at
26 locations other than licensed locations.

27 6. Engage in unfair, deceptive or fraudulent practices.

28 7. Alter or delete the date on a check accepted by the licensee.

1 8. Take possession of an undated check or a check dated on a date
2 other than the date on which the licensee takes possession of the check or
3 the date of presentment.

4 9. Require a customer to provide security for the transaction, other
5 than the presented check, or require the customer to provide a guaranty from
6 another person.

7 10. Fail to take reasonable measures to ensure that no customer has
8 more than one deferred presentment loan outstanding at any time with any
9 licensee in this state.

10 11. Engage in the sale of the following goods or services at any
11 licensed location:

- 12 (a) Gaming activities, including the sale of lottery tickets.
13 (b) Alcoholic beverages.

14 12. Tie or otherwise condition the offering of deferred presentment
15 services to the sale of any good or service.

16 13. Permit others to engage in any activity prohibited in this section
17 at a location licensed pursuant to this chapter.

18 14. Offer deferred presentment services for less than five days.

19 15. Be required to request or accept any written representation by a
20 customer as to whether the customer has any outstanding checks for deferred
21 presentment held by other licensees.

22 16. COLLOCATE A DEFERRED PRESENTMENT SERVICE WITH ANY SERVICE THAT
23 ISSUES OFFICIAL GOVERNMENT DOCUMENTS."

24 Renumber to conform

25 Amend title to conform

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2/15/08
11:56 AM
S:JTG/dr